

103^D CONGRESS
1ST SESSION

S. 1309

To provide for the conservation and management of Weakfish, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JUNE 30), 1993

Mr. ROTH introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the conservation and management of Weakfish, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Weakfish Conservation
5 Act of 1993”.

6 **SEC. 2. IMPROVED COOPERATIVE FISHERY MANAGEMENT**

7 **PROGRAM FOR WEAKFISH.**

8 (a) SHORT TITLE.—Section 1 of the Atlantic Striped
9 Bass Conservation Act (16 U.S.C. 1851 note) is amended
10 by inserting “and Weakfish” after “Bass”.

1 (b) FINDINGS AND PURPOSES.—Section 2 of the At-
2 lantic Striped Bass Conservation Act (16 U.S.C. 1851
3 note) is amended—

4 (1) by inserting “and weakfish” after “bass”
5 each place it appears;

6 (2) in paragraph (3)—

7 (A) by striking “range of the Atlantic
8 striped bass,” and inserting “range of either
9 Atlantic striped bass or weakfish”, and

10 (B) by striking “the species” and inserting
11 “these species”; and

12 (3) in paragraph (4) by striking “this species”
13 and inserting “these species”.

14 (c) DEFINITIONS.—Section 3 of the Atlantic Striped
15 Bass Conservation Act (16 U.S.C. 1851 note) is amend-
16 ed—

17 (1) in paragraph (4) by striking subparagraph
18 (A) and inserting the following:

19 “(A)(i) for purposes of section 4, Penn-
20 sylvania and each State of the United States
21 bordering on the Atlantic Ocean north of the
22 State of South Carolina; or

23 “(ii) for purposes of section 8, Pennsylva-
24 nia and each State bordering on the Atlantic
25 Ocean.”;

1 (2) in paragraph (6) by inserting “or weakfish”
 2 after “bass” each place it appears;

3 (3) in paragraph (7) by inserting “for Atlantic
 4 striped bass” after “fishing”; and

5 (4) by adding at the end the following:

6 “(10) The term ‘weakfish’ means members of a
 7 stock or population of the species *Cynoscion regalis*,
 8 commonly referred to as ‘seatrout’.

9 “(11) The term ‘Weakfish Plan’ means the
 10 Interstate Fisheries Management Plan for Weakfish,
 11 dated October 1985, prepared by the Commission,
 12 and all amendments thereto related to fishing for
 13 weakfish that are formally adopted as an amend-
 14 ment to the Weakfish Plan of October 1985.”.

15 (d) CLARIFICATION OF EXISTING COMMISSION
 16 FUNCTIONS.—Section 4 of the Atlantic Striped Bass Con-
 17 servation Act (16 U.S.C. 1851 note) is amended—

18 (1) by striking the heading for the section and
 19 inserting the following:

20 **“SEC. 4. ATLANTIC STRIPED BASS CONSERVATION.”;**

21 (2) in the heading for subsection (a) by insert-
 22 ing “OF STRIPED BASS PLAN” after “ENFORCE-
 23 MENT”.

24 (e) IMPROVED COOPERATION AMONG COASTAL
 25 STATES FOR THE MANAGEMENT OF WEAKFISH.—Section

1 8 of the Atlantic Striped Bass Conservation Act (16
 2 U.S.C. 1851 note) is amended to read as follows:

3 **“SEC. 8. WEAKFISH CONSERVATION.**

4 “(a) MONITORING OF IMPLEMENTATION AND EN-
 5 FORCEMENT OF WEAKFISH PLAN.—

6 “(1) DETERMINATION OF IMPLEMENTATION
 7 AND ENFORCEMENT.—By January 1, 1994, and an-
 8 nually thereafter, and at any other time that the
 9 Commission considers it necessary, the Commission
 10 shall determine whether—

11 “(A) each coastal State has adopted all
 12 regulatory measures necessary to fully imple-
 13 ment the Weakfish Plan in its coastal waters;
 14 and

15 “(B) the enforcement of the Weakfish Plan
 16 by each such coastal State is satisfactory.

17 “(2) CONSULTATION.—If a fishery management
 18 plan for weakfish is in effect under title III of the
 19 Magnuson Act, the Commission shall consult with
 20 the regional fishery management councils which pre-
 21 pared such plan in making a determination under
 22 paragraph (1)(A).

23 “(3) SATISFACTORY ENFORCEMENT.—Enforce-
 24 ment by a coastal State shall not be considered sat-
 25 isfactory by the Commission for purposes of para-

1 graph (1)(B) if the Commission determines that the
2 enforcement is being carried out in such a manner
3 that the implementation of the Weakfish Plan within
4 the coastal waters of that coastal State is being, or
5 will likely be, substantially or adversely affected.

6 “(4) NOTIFICATION OF SECRETARY.—The Com-
7 mission shall immediately notify the Secretaries of
8 each negative determination made by it under para-
9 graph (1).

10 “(b) SECRETARIAL ACTION AFTER NOTIFICATION.—

11 “(1) IN GENERAL.—Within 30 days after notifi-
12 cation from the Commission under subsection (a)(4)
13 that a coastal State has not taken the action de-
14 scribed in paragraph (1) of that subsection, the Sec-
15 retaries—

16 “(A) shall determine jointly whether the
17 coastal State is in compliance with the
18 Weakfish Plan; and

19 “(B) declare jointly a moratorium on fish-
20 ing for weakfish in the coastal waters of the
21 coastal State, if they determine that the State
22 is not in compliance with the Weakfish Plan.

23 “(2) CONSIDERATIONS.—In making determina-
24 tions under paragraph (1)(A) for a coastal State,

1 the Secretaries shall carefully consider and review
2 the comments of—

3 “(A) the Commission;

4 “(B) the appropriate regional fishery man-
5 agement councils under the Magnuson Act; and

6 “(C) the coastal State.”.

7 (f) MORATORIUM.—Section 5 of the Atlantic Striped
8 Bass Conservation Act (16 U.S.C. 1851 note) is amend-
9 ed—

10 (1) in subsection (a)(1) by inserting “or section
11 8(b)” after “(4)(b)”; and

12 (2) in subsection (a)(2)—

13 (A) by inserting “a” before “moratorium”
14 the second place it appears; and

15 (B) by inserting “or section 8(b)” after
16 “4(b)”;

17 (3) in subsection (b)(1)—

18 (A) by inserting “for the fishery resource
19 that is subject to the moratorium” after “fish-
20 ing”; and

21 (B) by striking “the” and inserting “(a)”;

22 (4) in subsection (b)(2) by inserting “or
23 weakfish” after “bass”;

24 (5) in subsection (b)(3)—

1 (A) by inserting “or weakfish” after
2 “bass”; and

3 (B) by inserting “or section 8(b), respec-
4 tively,” after “4(b)”;
5 (6) in subsection (b)(4)—

6 (A) by inserting “or Weakfish” after
7 “bass” each place it appears; and

8 (B) by striking “the” the second place it
9 appears and inserting “(a)”;

10 (7) in subsection (d)(2) by inserting a close pa-
11 renthesis after “1806(c)–(e)”;

12 (8) in subsection (e)(1)—

13 (A) by inserting after “(1)” the following:
14 “IN GENERAL.—”;

15 (B) by moving paragraph (1) down so as
16 to begin on the line below the heading for sub-
17 section (e);

18 (C) by moving paragraph (1) 2 ems to the
19 right, so that the left margin of the paragraph
20 is aligned with the left margins of paragraphs
21 (2) and (3); and

22 (D) by inserting “or section 8(b)” after
23 “4(b)”;

24 (9) in subsection (e)(2) by inserting “or section
25 8(b)” after “4(b)”.

1 (g) CONFORMING AMENDMENTS.—The Atlantic
2 Striped Bass Conservation Act (16 U.S.C. 1851 note) is
3 amended by striking “Plan” each place it appears and in-
4 serting “Striped Bass Plan”.

5 (h) EFFECTIVE DATE.—Notwithstanding section 9 of
6 the Atlantic Striped Bass Conservation Act, section 8 of
7 such Act, as amended by this Act, shall take effect on the
8 date of the enactment of this Act.

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